

it very clear: we need permitting reform.

I thank them for their comments tonight, and I yield back the balance of my time.

ADJOURNMENT

Mr. STAUBER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 29, 2023, at 10 a.m. for morning-hour debate.

NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

U.S. CONGRESS, OFFICE OF
CONGRESSIONAL WORKPLACE RIGHTS,
Washington, DC, March 28, 2023.

Hon. KEVIN MCCARTHY,
Speaker of the U.S. House of Representatives,
The United States Capitol,
Washington, DC.

DEAR MR. SPEAKER: Section 304(b)(3) of the Congressional Accountability Act (CAA), 2 U.S.C. §1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors ("Board") of the Office of Congressional Workplace Rights ("OCWR") has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), "the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal."

The OCWR Board has adopted the regulations in the Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval, which accompany this transmittal letter. The Board requests that the accompanying Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

Any inquiries regarding this notice should be addressed to Patrick Findlay, Executive Director of the Office of Congressional Workplace Rights, Room LA-200, 110 2nd Street, S.E., Washington, D.C. 20540; 202-724-9250.

Sincerely,
BARBARA CHILDS WALLACE,
Chair of the Board of Directors, Office of
Congressional Workplace Rights.

Attachment.

FROM THE BOARD OF DIRECTORS OF
THE OFFICE OF CONGRESSIONAL
WORKPLACE RIGHTS

NOTICE OF ADOPTION OF REGULATIONS
AND TRANSMITTAL FOR CONGRES-
SIONAL APPROVAL

Modification of Regulations Extending Rights and Protections Under the Americans with Disabilities Act Relating to Public Services and Accommodations, Notice of Adoption of Regulations and Submission for Approval as Required by 2 U.S.C. §1331, Congressional Accountability Act of 1995, as Amended.

**Procedural Summary:
Issuance of the Board's Initial Notice of Proposed Rulemaking.**

On or about July 26, 2022, the Board of Directors ("the Board") of the Office of Congressional Workplace Rights ("OCWR") published a Notice of Proposed Rulemaking ("NPRM") in the Congressional Record. 168 Cong. Rec. H7158-H7163, S3700-3705 (daily ed. July 26, 2022). The Board, after considering comments to the NPRM, has adopted, and is submitting for approval by the Congress, final modified regulations implementing section 210 of the CAA. As set forth in detail below, the OCWR Board previously adopted regulations implementing section 210 of the CAA in 2016. 162 Cong. Rec. H557-565, S624-632 (daily ed. February 3, 2016). Because Congress has not acted on the Board's request for approval of its 2016 amendments, the Board now resubmits them for congressional approval.

Why did the Board propose these new Regulations?

The Congressional Accountability Act of 1995, PL 104-1 ("CAA"), was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of fourteen federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 210(b) of the CAA provides that the rights and protections against discrimination in the provision of public services and accommodations established by the provisions of Titles II and III (sections 201 through 230, 302, 303, and 309) of the Americans with Disabilities Act of 1990, 42 U.S.C. §§12131-12150, 12182, 12183, and 12189 ("ADA") shall apply to legislative branch entities covered by the CAA. The above provisions of section 210 became effective on January 1, 1997. 2 U.S.C. §1331(h). Title II of the ADA prohibits discrimination on the basis of disability in the provision of services, programs, or activities by any "public entity." Section 210(b)(2) of the CAA defines the term "public entity" for Title II purposes as any of the listed legislative branch offices that provide public services, programs, or activities. 2 U.S.C. §1331(b)(2). Title III of the ADA prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards.

Section 210(e) of the CAA requires the OCWR Board to issue regulations implementing Section 210. 2 U.S.C. §1331(e). Section 210(e) further states that such regulations "shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." Id. Section 210(e)

further provides that the regulations shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (b), the entity responsible for correction of a particular violation. 2 U.S.C. §1331(e)(3).

What procedure followed the Board's initial Notice of Proposed Rulemaking?

The July 26, 2022 Notice of Proposed Rulemaking included a thirty day comment period, which began on July 26, 2022. The OCWR received two sets of written comments to the proposed substantive regulations from stakeholders. The Board of Directors has reviewed these comments, has made certain changes to the proposed substantive regulations in response to the comments, has adopted the amended regulations, and is submitting these final regulations for approval by Congress.

What is the effect of the Board's adoption of these substantive regulations?

Adoption of these substantive regulations by the Board does not complete the promulgation process. Pursuant to section 304 of the CAA, 2 U.S.C. §1384, following the Board's adoption of the regulations, it must transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record. This Notice of Adoption of Substantive Regulations and Submission for Congressional Approval completes this step.

What are the next steps in the process of promulgation of these regulations?

Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. §1384(b)(4), the Board of Directors is required to "include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution." The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

Has the Board previously adopted regulations implementing section 210 of the CAA?

Yes. The first ADA regulations implementing section 210 of the CAA were adopted by the Board and published on January 7, 1997, 142 Cong. Rec. H10676-10711, S10984-11019 (daily ed. September 19, 1996) and 143 Cong. Rec. S30-61 (daily ed. January 7, 1997), after providing notice, and receiving and considering comments in accordance with section 304 of the CAA. No congressional action was taken and thus the 1997 regulations were not issued. Revised regulations were adopted by the Board and published on February 3, 2016, after providing notice, and receiving and considering comments in accordance with section 304 of the CAA. 160 Cong. Rec. H7363 & 160 Cong. Rec. S5437 (daily ed., Sept. 9, 2014), 162 Cong. Rec. H557-565, S624-632 (daily ed. February 3, 2016). No congressional action was taken and thus the regulations were not issued. Because Congress has not acted on the Board's request for approval of its 2016 amendments, the Board now resubmits them for congressional approval.

The Board's Responses to Comments:

A. Commenters' incorporation of 2014 comments

Both commenters incorporated by reference comments submitted in response to the Board's 2014 ADA NPRM. In the 2022